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C O N F I D E N T I A L STATE 057332

SIPDIS

E.O. 12958: DECL: 06/03/2019
TAGS: [EAID](#) [PREL](#) [SADC](#) [BC](#) [ZI](#)
SUBJECT: DEMARCHE: REQUEST FOR INFORMATION ON SADC CONTROLS

REF: A. A. STATE 18852
[1](#)B. B. STATE 7798
[1](#)C. C. GABORONE 209

Classified By: AF A/S Johnnie Carson for reasons 1.4 (b,d)

[1](#)1. (U) This is an action request. Please see paragraph 2.

ACTION REQUEST

[1](#)2. (SBU) The Department is following up on a request for information to the Southern African Development Community (SADC) (Ref A) to determine whether the United States and SADC may enter into a meaningful end-use, retransfer, and security agreement applicable to defense articles and defense services transferred from the United States to SADC under the Presidential Determination (PD) for SADC. The original demarche was delivered to the SADC Secretariat on March 13. In order to expedite SADC's response, we are now delivering a similar demarche to the SADC Troika to inform the leadership of South Africa, Zambia, and the Democratic Republic of the Congo (DRC) of the PD and to encourage the Troika to assist in obtaining responses to questions concerning end-use controls directed to the Secretariat. Posts should advise SADC Troika members that this information is required to determine whether the United States and SADC may enter into a reliable and enforceable end-use, retransfer, and security agreement, and that at such an agreement must be concluded before the United States can provide any defense articles or defense services to SADC.

REPORTING DEADLINE

[1](#)3. (U) Department greatly appreciates posts' continued support and assistance. Posts are requested to report results of efforts by cable to PM/RSAT, PM/PPA, AF/RSA, AF/S, and L/PM by June 12.

BACKGROUND

[1](#)4. (SBU) On January 16, former President Bush signed a PD recognizing that "the furnishing of defense articles and defense services to the Southern African Development Community (SADC) will strengthen the security of the United States and promote world peace" (Ref A and B). The PD is intended to enable the USG to provide targeted assistance to this African entity to increase peacekeeping and crisis response capacity, strengthen interoperability, and improve our military-to-military cooperation.

[1](#)5. (C) Due in part to concerns that SADC might be unable to prevent U.S.-origin defense articles or defense services from being provided to Zimbabwe or other countries prohibited from receiving them, the Department requested that action addressees encourage host governments to follow up with the

SADC Secretariat as members of the SADC Troika to ensure that we receive written responses to questions about SADC's authority, reliability, access, and enforcement mechanisms. Embassy Gaborone delivered similar points to the SADC Executive Secretariat on March 13 (Ref C), but has not yet received a response.

INFORMATION NEEDED FROM SADC

¶6. (SBU) Begin requested information:

- a. Which SADC entity will be responsible for the negotiation of the end-use, retransfer and security agreement with the United States?
- b. Which SADC entity(s) will be involved in the approval of such an agreement?
- c. Will the agreement be approved by the SADC Summit (Heads of State or Government)?
- d. Will the end-use, retransfer, and security agreement be approved by each SADC Member State? Or, would "consensus" mean only that there is no opposition (abstentions would not hold up the agreement)?
- e. How would SADC establish and enforce end-use, retransfer, and security obligations?
- f. May SADC restrict the access to USG-provided articles and services by nationals of designated SADC Member States?
- g. May the Executive Secretary, as custodian of such items, restrict the access provided to Secretariat employees based upon their nationality?
- h. How would the Secretariat secure articles and services provided by the USG?
- i. Will SADC be able to comply with restrictions on use of articles and assistance provided by the USG?
- j. Would the agreement resulting in the imposition of restrictions on access to certain items based on nationality be considered to be compatible with the objectives of SADC and the provisions of the SADC Declaration and Charter?
- k. Has the SADC Tribunal rendered any decisions where issues of nationality or national access to SADC property were raised? If so, please provide copies of the rulings.
- l. What measure would SADC take with respect to persons or countries that fail to uphold SADC obligations?

POINT OF CONTACT

¶7. (U) Please contact PM/RSAT Amy Van Buren (vanburenap@state.sgov.gov, (202)736-7668 for any necessary further background information or argumentation to meet demarche objectives.
CLINTON